

24.04.2025  
Item No.17  
gd/ssd

WPA(P)/143/2025  
RAMEN GHOSH  
VS  
THE SECRETARY, IRRIGATION DEPARTMENT AND  
ORS.

Mr. Kalidas Saha  
..for the Petitioner.  
Mr. Nilotpall Chatterjee  
..for the State.

1. The petitioner has served notice on the respondents and affidavit of service has been filed.

2. Since we are inclined to dispose of the writ petition without calling for affidavits, we have directed Mr. Chatterjee to accept notice on behalf of the official respondents, namely, respondent nos.1 to 6 and the appearance of the learned Government counsel be regularised.

3. The petitioner seeks for a direction upon the respondent no.6/the District Magistrate, Malda to conduct an independent enquiry with regard to the work for construction of river bed at Fulahar River and in the interregnum an order of interim stay has been sought for.

4. As could be seen from annexure P-2 to the writ petition at page 15 the representation which is in the nature of a mass objection has been addressed to the Hon'ble Chief Minister and it has not been addressed to the District Magistrate.

5. Therefore, before approaching this court the petitioner ought to have made a representation to the appropriate authority and thereafter if there is no response or if the response is not satisfactory, then the petitioner would have been justified in approaching the court.

6. Thus, it appears that the writ petition has been filed in utmost case more particularly when the representation sent to the Hon'ble Chief Minister was delivered only on 5.3.2024.

7. Therefore, at this juncture the prayer sought for cannot be granted.

8. However, liberty is granted to the petitioner to submit a representation to the District Magistrate by enclosing all relevant documents including the representation addressed to the Hon'ble Chief Minister, copy of which has been sent to the District Magistrate, Malda.

9. The District Magistrate shall consider the representation within six weeks from the date of receipt the said representation and pass orders on merits and in accordance with law.

10. With the above observations, the matter is disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(CHAITALI CHATTERJEE (DAS), J.)**